G R, S App F IX 4]

1943-

File No 92-42

Previous References

(nil)

Serial Nos 54, 59, 83, 84

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 4

Part B for August 1943

SUBJECT

Re the grant of a site to Mr Sreekantaiah at Sringapatam

Sl 84)

To the D C - Mandya, Nk

L 1371 dy 2/8/43

Issues certain observations

Received 4/8/43

1918/43

Grant of a Site to Mr Sree Kantiah at Srirangapatam

Continuation Sheet — File No / Current No — of 42 — Page

Letter no AS 2440/61 42 dated 11-12-42 from the Deputy Commissioner, Mandya Dist requesting in the circumstances stated to cancel the resolution of the Srirangapatam Town Municipal Council to grant free of cost a site measuring 150 x 220 near the Coronation Buildings at the place to Sri Rangamma Kaimkarya Sabha of Srirangapatam

1) The facts of the case are clearly set forth in the Deputy Commrs report and are briefly as follows

Flag P

2) On 30-3-41, the Srirangapatam Town Municipal Council resolved to grant half of the site measuring 150 x 220' near the Coronation Buildings at the place to one Mr Sreekantaiah and the other half to Sri Rangamma Kaimkarya Sabha of Srirangapatam at an upset price of Re 0 2-0 per Sq yd

3) Subsequently the Sabha referred to above moved the Govt to grant them the entire site, free of cost, as they had proposed to put up a building for housing boarding and lodging facilities for the pilgrims that visit Srirangapatam

Flag K

On their representation the matter was on 3-7-42 that the site in question be granted free of cost to the Sabha

4 As the municipal Council had already resolved and intimated Mr Sreekantaiah to grant him half of the site at an upset price, it was not proper for them to have resolved to grant the same site to the Sabha It is also seen from the records that Mr Sreekantaiah has agreed to build the house on the site granted to him, in accordance with the conditions imposed by the municipal

5 The D.C has also reported that the Sabha has not the required funds at its command to put up a decent building on the site which is an important locality As Sanction of Govt is necessary under Section 38(2) of the T.P Act, 1933 to grant sites free of cost, the municipal cannot hand over the site to the Sabha

6 The D C has recommended that half of the site may be restored to Mr Sreekantaiah in accordance with the resolution of the municipal dated 30-3-41 and the question of granting the other half to the Sabha may be taken up only after they have collected the required ~~amount of~~ funds for putting up a building.

7 In the circumstances reported

WD 1140—GPB—50 000—5-11-42

Grant of a Site to M/s Sree Kamtakah by the Seringapatam Town M[illegible]

3679

Continuation Sheet | File No / Current No | of | Page

by the by-Laws has recommendation may perhaps be approved

Submitted for orders.

16/1/43

18/1/43

1) Based on equity, the claim of the Seringapatam Town Municipal Council has to be considered as most beneficial proper when once it had resolved to grant only the site to the M/s Srikantesh at an upset price of Rs 2 per sq yd of the site only for the same price to the Sree Ranganatha Kasikavya Sabha, whose first move has agreed to put up a building worth over Rs 5000 according to the plan approved by the Municipal Council it should not have gone back on its decision and agreed to give the site to the latter, free of cost.

2) But legally speaking, the Municipal Council can reconsider the resolution once passed on a particular subject and modify or cancel it, after a lapse of three months from the date of passing the original resolution. In the present case, the first resolution was passed on 30/3/1941 and it was modified by another resolution dated 20/3/1942. There is no legal bar

3) There was no provision under the Mysore Town Municipalities Act 1933, according to

WD 1140—GPB—50 000—5-11-42

4)

Continuation Sheet M File No / Current No 3679 of 2 Page

the Govt could withdraw and direct that a resolution be cancelled or modified, ~~of this~~ similar to sec 91 of the Nagpur Distt Boards Act 1926

11) Further the Advt has not applied for sanctioning the resn dated 3/7/37 relating to the grant of land free of cost to the Talka - under sec 38 (2) of the T P Act 1933: Govt cannot, on their own initiative, take action to sanction or veto the resolution unless the proposal referred from the D C is taken to be such an application to Govt having regard to all the circs,

12) it seems necessary to bring the facts of the case to the notice of the Advt with a direction to reconsider the same This is not a case in which the D C could take action to suspend the resn under sec 144 of the T P Act

Yours truly

Law Secy 19/1/43

13) More correct to say that the Municipal Council & not the Municipality may be requested by the Municipal Council & asked to make a representation to the Govt in the matter. The question may be

Grant of a site to Mr Ranganayaka Seringapatam

(5)

Continuation Sheet. MI File No / Current No 92 of 42 Page 1/2

we could decide

Mun Com R S G 20-1-43

14) 29/1/43

29 1 43

30-1-43

15 Draft letter put 29/1/43

16 Submitted with a draft letter to the D C Mandya both

10/2/43 11/2/43

Gs(A) 11/2/43

To

The D C Mandya both

Ref:- NOK 8 03,2,d 15-2-63

Issues certain instructions

Letter, No AS-2460/11-42 dated 15-7-43 from the Deputy Comm, Mandya Dist- furnishing further report in the matter

Flag K

17) In this office letter of 15-2-43, it was directed that the Seringapatam Town Municipal Council may make a specific reference in the matter of granting free of cost a site near the Coronation buildings at the place of Sri Ranganatha Kankatya Sabha of Seringapatam The Municipal Council

OFFICE OF THE [illegible] FOR L S G & P H Date 20 1 43 No 5638

TYPE 13 FEB 1943 GEN P

Grant of Site to Mr Srikantaraj at Seringapatam

488 L

Continuation Sheet | File No 92 Current No | of 12 | Page

Flag E

Flag J

Flag K

Flag L

The Commissioner

have now resolved that the Site in question may be given to the Said Sabha at an upset price of Rs 0-1-0 per Sq yd

18) As the municipal council had resolved on 30-3-41 to grant half of the Site in question to one Mr Srikantaraj at an upset price of Rs 0-2-0 per Sq yd, the D C has recommended that the proposal to grant the entire Site to the Sabha in question as resolved later on by the municipal council may be cancelled and Mr Srikantaraj may be granted half the Site at an upset price of 0 2-0 per Sq yd He has further suggested that as the municipal council have resolved now to grant the Site in question to the Sabha at an upset price, half of it may be given to the Sabha on condition that they should construct a building according to the approved plan within one year, the other half being given to Mr Srikantaraj on similar conditions

19) The report of the D C Mandya dated is for perusal and orders

Ref para 13 supra

Sir 21/7/43 — 20 The Commissioner Jun Mk Just 23/7/43 el have resolved on 20 6 43 that the site measuring 150' x 220' near Ranganna Kankanya Sabha at an upset price

of 0-0 per sq yd. The Co considers that the Sabha will not be in a position to construct the building as it has no funds to its credit

21) He further adds that the Mcl have given no reasons for changing their resolution dated 30-3-41 granting only 2 acres to me for Sirkar tank at an upset price of Rs 2 per yd as it has been conveyed in the impugned letter and that accordingly the resolution of the Mcl to grant the entire site to the Sabha for an upset price may be cancelled & that one site given to me Sirkar tank for an upset price of Rs 2 per yd He proposes that the site adjoining the one given to the Sabha subject to certain conditions

22) It is seen from the records that the Commissioner in Mcl is bent upon giving away the site to the Sabha for an upset price. As such, it is difficult for him to order the division of the site into two parts & the grant on the terms proposed. It would have been a different thing if the Mcl had resolved to grant the land, free of cost, when the Govt may have vetoed the resolution under Sec 30 (3) of the Hyderabad Municipalities Act 1933 The sale price also does not exceed one thousand rupees. In the circs, the

WD No—GPB—50,000—5-11-42

Grant of a site to Mr. Sreekantaiah at-

C

Continuation Sheet | MK File No / Current No | of 42 | Page 42

SECY LAW DEPT 862 GOVT OF MYSORE 27/7/43

OFFICE OF THE MINISTER FOR L S G & P H Date 28 7 43 No 750

TYPING SECTION 30 JULY 1943 GEN & ... SECTT

D.c Mandya DSW may be informed that his proposal cannot be acted upon according to the provisions of Law and the matter may be left entirely to the decision of the Municipal Council

Secy para 1 Stopped

Law Secy 27/7/43

Though the Municipal Council has levied a Conservancy tax, the Govt cannot interfere

Chief Secy 27-7-43

Secy 28/7/43

Law Secy 29-7-43

Asst Secy 29/7/43

Draft letter to the D.C Mandya submitted

Secy 30/7/43

Law Secy 30/7/43

To

The D.C. Mandya

No K-1371 dt 2-8-43

giving certain instructions

No A5 2440/41-42
Encls two.

Office of the Deputy Commissioner,
Mandya District,
Mandya, Dated, 11th December, 1942

Mir Safdar Hussain, Esq , B A.,
Deputy Commissioner,
Mandya District,
MANDYA

C Narayana Swamy Naidu, Esq , B A , B L ,
Secretary to Government, Law Department,
BANGALORE.

Sir,

Subject: grant of a site to Mr Sreekantiah at Seringapatam, for construction of a house.

I have the honour to state that the Municipal Council, Seringapatam, resolved at the meeting held on 30-3-1941 to grant a site near the Coronation building measuring 150' X 220' at an upset price of 0-2-0 per square yard, half the site to Mr Sreekantiah and the other half to Sri Rangamudi Kainkarya Sabha of Seringapatam for purposes of construction of a dwelling house and a choultry respectively. The resolution was passed on the petitions of the Secretary of the Sabha and Mr Sreekantiah

2. It is seen from the available records that an endorsement was issued by the President to Mr Sreekantiah on 24-9-41 intimating that he should give an undertaking to build a house of an approved design costing Rs 5,000/-. In response to this, Mr. Sree kantiah informed the President Seringapatam Municipality in his letter dated 10-11-1941 that he was agreeable to construct the house according to the design approved by the Municipality and requested for the plan of the building He also requested the President to treat his letter as a Mutchalika No reply seems to have been given to this letter In his petition dated 10-4-42 addressed to this office, Mr Sreekantiah stated that he approached the Vice President of the Municipality and offered the price of the site and that the Vice President refused

P T O

refused to accept the price He further states that he subsequently learnt that on a further petition from the Secretary of the Rangamudi Sabha, the Municipal Council resolved on 30-3-42 to give the entire site to the Sabha free of cost He requested that the second resolution of the Municipal Council dated 30-3-42 may be cancelled, the site originally granted to him being confirmed to him

3 A report was called for from the President, Seringapatam on the petition of Mr Srekantiah and he was requested to intimate the circumstances under which the Council changed their resolution dated 30-3-1941 and also the financial position of the Sabha In reply, the President of the Municipality has submitted extracts of the proceedings of dated 30-3-41 and 30-3-42 and has stated that some of the devotees of the Sabha are anxious to construct a building and hand over the same to the Sabha His report is silent as to the circumstances under which the Municipal Council changed their original resolution and about the financial stability of the Sabha

4. The President of the Sabha in his letter dated 31-10-1942 addressed to the Municipal President has stated that the site may be granted free of cost to enable them to raise an endowment on behalf of the Sabha

5 From this it may be presumed that the Sabha has not got sufficient funds at its credit to construct a building of their own. Besides, under Section 38 (2) of the Town Municipal Act sanction of Government is necessary, for a free grant of immoveable property belonging to the Municipality But so far no such sanction has been obtained It has not even been applied for

6 It is also seen from the report of the President that the house belonging to Mr Sreekantiah was acquired for the extension of Dete Sreenarayana Swamy Templeat Seringapatam Mr Sreekantiah in his petition has stated that he is houseless and prayed that the site may be granted to him to enable him to construct a dwelling house The prayer of the petitioner therefore seems to be quite reasonable and deserves favourable consideration in view of the fact that his house was acquired by the

the Musrai Department some time ago

7. The second resolution passed on 30-3-1942 is very shaky. The explanation furnished for not adhering to the resolution dated 30-3-41 is not satisfactory and acceptable. The financial position of the Municipality, as has been already been reported, is very poor and the Municipal Council cannot afford to forego a sum of Rs 458/- which is the cost of the site at 2 annas per square yard

8 I recommend, therefore, that the second resolution of the Municipal Council dated 30-3-42 granting the entire site to the Sabha free of cost may kindly be cancelled and the grant of half the site as resolved by the Municipal Council on 30-3-41 be restored to Mr Sreekantiah

9 The grant of the other half of the site to Sree Rangamudi Kainkarya Sabha may be taken up only after the Sabha has collected and deposited a sum sufficient to raise a decent building on the

Signed by

the site in question which is in a prominent place

10 The connected papers on the above subject are enclosed for kind reference and return when done with.

I have the honour to be,
Sir,
Your most obedient servant,
Asstt Commr
for DEPUTY COMMISSIONER,
MANDYA DISTRICT

ALN

16 12 1942

Appendix F G—1]

SUBJECT

Section Mil

File No 92-42

Serial No 159

Diary No of letter replied to

No 6 8032
Records

To

General and Revenue Secretariat

( )

the *194*

The D-C Mandya West

Sir,

Date of issue 15/2/43

With refce to your letter no AS-2440/41-42 dated 11-12-42 re the resolution of the Seringapatam Town Municipal Council to grant free of cost a site measuring 150 x 220' near Coronation Cinema at the places to Sri Rangamma Kannikaparameshwari Sabha of Seringapatam I am directed to observe that there can be no Breach of the resolution dated 30/9/42 relating to the grant of the site free of cost as there has not been any breach of the terms and conditions of the grant so far.

Signed by [illegible]

List of enclosures

Codied by

Examined by

WD 04161—GPB—60 000—24 10 41

To

~~of State~~ by the M.L.C. without the obtaining previous sanction of Govt as required under see 38(2) of the Import Trade Policy 33

I am therefore to request you ~~therefore~~ to instruct the M.L.C. to ~~refer~~ submit the ~~matter with full details~~ full particulars and history for to Govt for their orders ~~to~~ to make a specific reference to Govt on the subject, when the question relating to the disposal of the land may be considered & decided

I have &c

2 Records accompany for reference return

for Secy to Govt
Law Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

15

General and Revenue Secretariat

No L 8032 rel 92-42-59

Bangalore dated 15 February 1943

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department

To

The Deputy Commissioner,
Mandya District,
Mandya

Sir,

With reference to your letter No.A5 2440/41-42 dated 11th December 1942 regarding the resolution of the Seringapatam Town Municipal Council to grant free of cost a site measuring 150' x 220' near Coronation buildings at the place to Sri Rangamudi Kainkarya Sabha of Seringapatam, I am directed to observe that the resolution dated 30th March 1942 relating to the grant of the site free of cost to the said sabha has not been submitted to Government at all so far and that there can be no such grant by the Municipal Council without obtaining the previous sanction of Government as required under section 38(2) of the Mysore Town Municipalities Act 1933 I am therefore to request you to instruct the President of the Municipal Council to make a specific reference to Government on the subject, when the question relating to the disposal of the grant may be considered and decided

Records accompany for reference and retransmission

I have the honour to be
Sir,
Your most obedient servant,

Ramachandra

for Secretary to Government,
Law Department

Wht 92-42-83

OFFICE OF THE DEPUTY COMMISSIONER,
MANDYA DISTRICT, 488

No A5 2440/41-42

Dated, Mandya, the 15th July, 1943.

GEN & P V SECRETT
20 JULY 1943
L S G BRAN

From

MIR SAFDAR HUSSAIN, Esq , B A ,
Deputy Commissioner, Mandya District,
MANDYA

To

THE LEGY LAW SECY NARAYANASWAMY NAIDU, Esq , B A , B L ,
Secretary to Government, Law Department,
BANGALORE

Sir,

Subject - GRANT OF A SITE TO MR SREEKANTIAH AT SERINGAPATAM FOR CONSTRUCTION - OF A HOUSE

*****

With reference to your letter No L 8032/A 1 92-42-59 calling for definite proposals of the Seringapatam Municipal Council regarding the grant of a site free of cost to Sri Pangamudi Kainkarya Sabha of Seringapatam, I have the honour to state that the Municipal Council have resolved on 20-6-43 that the site may be granted to the Sabha at an upset price of 0-1-0 per square yard

In this connection I wish to invite your kind reference to my letter of even number dated 11-12-1942 wherein I recommended for the cancellation of the resolution of the Municipal Council regarding the grant of the entire site to the Sabha The Municipal Council have again resolved to grant the entire site to the Sabha at an upset price of 0-1-0 per square yard Even in his present report the President has not explained the circumstances under which the Municipal Council changed their resolution Dated 30-3-41 Even though instructions were issued to the President that the resolution of the Municipal Council for the free grant of half the site to the Sabha may be obtained, the Municipal Council have resolved to grant the entire site to the Sabha

The financial position of the Sabha is anything but satisfactory It is very doubtful whether they will be able to construct the building at all The president of the Sabha in his letter dated 15-5-43 to the President of the Municipality has stated that the Sabha could not go in for donation for erecting a building unless they could show that a site is owned by them This clearly shows that they have no sufficient funds at their credit to construct a building nor are they hopeful in the near future to collect funds The reason assigned by the President of the Sabha is not convincing I am of opinion that the Sabha will not be able to construct any building even if half the site is granted to them

As regards the grant of half the site to Mr Srikantaiah, I wish to state that as the site belonging to Mr Srikantaiah was acquired by Government, justice demands that a site should be given to him to enable him to construct a dwelling house Besides, the Municipal Council had resolved so far back as 30-3-41 to grant half the site to Mr Srikantiah at an upset price of 0-2-0 per square yard As no convincing reasons have been given by the Municipal Council for changing their decision to grant the entire site to the Sabha, I recommend that the second resolution of the Municipal Council to grant the entire site may be cancelled and Mr Srikantiah be granted half the site at an upset price of 0-2-0 per square yard As the Municipal Council have now resolved to give the site to the Sabha at an upset price I recommend that half the site may be given to the Sabha on condition that they should construct a building according to the approved plan within one year from the date of taking possession of the site failing which the site would be resumed to the Municipality Similar conditions may also be fixed to Mr Srikantiah

*Proceedings therein

P T O

17

xxxxxx be fixed to Mr Srikantiah

The connected records are enclosed for kind reference and return

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
MANDYA DISTRICT.

SC

Appendix F G—1]

SUBJECT

Section Mul

File No 92-42

Serial No 84

Diary No of letter replied to

No. L 371/40/R

To

The D C Mandya West

General and Revenue Secretariat

( )

the *194*

Sir,

With refce to the correspondence ending with your letter no 2440/41-42 dated 15-7- regarding the resolution of the Srirangapatam Town Municipal Council to grant a site at an upset price to Sri Ranganna Kam Karya Saksha of Srirangapatam I am directed to state that as there is no provision in the Mysore Act of 1933 empowering the Govt to take action according to the suggestion made in the letter under reference, the matter may be left to the decision of the Municipal

Date of issue 2/8

Signed by for Secretary

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—21 10 41